

plans. They ascertain this conformance through required inspections. Basically, the inspections are to ascertain whether the structure conforms to each of the following:

- 1. The approved plans;*
- 2. The conditions of approval of the Uniform Building Permit; and*
- 3. The provisions of the code.*

Note that the inspector may inspect for compliance with the approved plans that may include items that are above and beyond the minimum code requirements. If it is no longer desired to build the dwelling as originally designed and approved, the applicant should submit revised plans to the inspector for review and approval.

Occasionally, an inspector will discover a noncompliance that was missed on a prior inspection or plan review. The inspector clearly has authority to order correction. The use of checklists such as the critical item checklist at the end of the appendix of this commentary, will help to minimize this.

Because it is the responsibility of the enforcing authority to notify the permit holder and the owner of any violations to be corrected in writing, it is the department's recommendation that an inspection report form be used for this purpose. The municipality may use its own inspection forms or Department of Commerce Inspection Report and Notice of Noncompliance Form, (SBD-6025).

Inspection Notice

Note that the 2 business days notice of the UDC supercedes the 24-hour notice requirement of the Plumbing Code in s. Comm 82.21.

Question: *Are there guidelines for inspectors that require them to be available during normal working hours?*

Answer: *There are no specific guidelines regarding such availability. Section Comm 20.10 details the type of inspections required and notification of inspection responsibilities. It also requires the inspections to be conducted within two business days of notification. Nothing would require the inspector to be available at certain times of the day. From a practical standpoint, a municipality should develop a procedure to clarify how the builder may contact the inspector. It may also be a good idea for the inspector to formalize his or her hours of availability. There are some valid concerns about nonbusiness hour inspections including adequate daylight conditions, inspector access to the site, and contractor availability if a question should arise. Such concerns may be best addressed to the inspector or to his or her superior.*

Inspection Types

Depending on the number of inspectors involved, coordination of the trades and the type of construction, the number of separate inspections could vary from four to eleven. There may be additional inspections necessary due to callbacks regarding incomplete work or noncomplying conditions.

Prior to performing any inspections, it would be a good policy to review the approved plans. Particular notice should be given to any deviations or unusual conditions that may exist.

Footing and Foundation Inspection

Depending on the type of footings and foundation, the number and timing of inspections varies as follows:

- *Unreinforced concrete footings - Inspected after pouring of concrete.*
- *Reinforced concrete footings - Inspected after placement of forms and reinforcing and prior to pouring of concrete.*
- *Masonry or unreinforced concrete foundation - Inspected after placement of materials. May be combined with the inspection of unreinforced concrete footings.*
- *Reinforced concrete foundation - Inspected after placement of forms and reinforcement and prior to pouring of concrete.*
- *Wood Foundations - Inspected after framing and sheathing and prior to the placement of gravel.*
- *Foundation drain tiles, dampproofing and exterior insulation (when required) - Inspected prior to soil backfill. This may be combined with the inspection of masonry or unreinforced concrete foundations. The interior drain tiles and any under slab plumbing, electrical or heating work shall also be inspected prior to the pouring of the basement floor.*

Depending on construction, it is possible that the footings and foundation could be inspected along with the rough inspections discussed below. Zoning setbacks are also commonly verified at the time of footing inspection.

Rough Inspection

The important principle to remember is that all work must be inspected prior to concealment. It is possible that all of the construction trades are coordinated enough so that all the rough-in inspections can be accomplished during one inspection. However, it is unlikely that the insulation inspection can be done at the same time because the insulation normally conceals the other work. Also, the rough framing inspection is best done after the electrical and heating work is done so that notching and boring can be checked.

Occasionally, a contractor will not properly call for an inspection so that the inspector does not have the opportunity to verify compliance prior to concealment of some work. Possible options

that the municipality may consider are:

- *removal of all covering work so a full inspection can be made,*
- *removal of representative section(s) of covering work as chosen by the inspector,*
- *alternative testing of materials,*
- *affidavits by witnesses verifying the original work, or*
- *noting of the permanent file, and possibly on the property deed, that compliance of certain items was not verified.*

Selection of the option(s) is at the discretion of the municipality and should be done in consultation with the municipal legal counsel.

Rough Electrical

Section 101.865 of the Wisconsin Statutes requires that the utility furnishing the electrical current obtain proof that the wiring complies with these standards before furnishing the current. Proof must be a certificate furnished by the inspection department which may be the certified independent inspection agency or the municipality administering and enforcing this code. The electrical utilities will require a certificate of inspection prior to energizing the electrical services, be they temporary or permanent installations. If there is no certified agency or municipality, proof consists of an affidavit furnished by the contractor or other person doing the wiring.

Rough Plumbing Inspections

There may be separate required inspections for the sewer and water laterals, underslab plumbing and the rest of the rough plumbing.

Inside Drain Tile Inspection

This section requires any required inside drain tile and related underslab aggregate to be inspected. It does not require the underslab vapor barrier to be inspected prior to pour.

Insulation

Generally, the insulation and vapor barrier are installed after all other rough inspections have been made so as to avoid displacement of the insulation by the heating, electrical or plumbing systems.

Final Inspection-Inspector Certification

A final inspection prior to occupancy requires inspections of the construction, HVAC, electrical and plumbing systems by an inspector or inspectors certified in all of those categories.

Final Inspection-Health and Safety Items

Special attention should be given the words "health and safety" in this section. It is clearly not the intent of the Uniform Dwelling Code to prevent persons from moving into their homes where certain cosmetic items have not been completed. For example, unpainted rooms, uncompleted trim work, lack of carpeting, etc., would not prevent occupancy.

On the other hand, incomplete exiting arrangements, open electrical boxes, missing handrails and guardrails, open plumbing drains, etc., could constitute items affecting health and safety and would prevent occupancy.

Generally, we would discourage occupancy prior to installation of wall or ceiling board, i.e., drywall, rocklath, paneling, or other materials, that would protect the electrical wiring, plumbing and insulation systems. No wires or equipment shall be exposed so as to create a hazard to the safety of the occupant. All electrical receptacle outlets and lighting outlets shall have the receptacles with faceplates and fixtures installed. In the case of NM electrical cable, it must be covered or closely follow the surface of building finish.

Basic plumbing requirements for personal hygiene and culinary purposes that must be installed in the dwelling are a stool, wash basin, tub or shower, kitchen sink and hot water. All must be fastened in place and must be functional. This means water service and drain, waste and vent piping must be provided and operational. The wash basin, kitchen sink, tub or shower must have hot water connections and all unused sewer connections must be sealed.

Basement, Underground and Earth-Sheltered Dwellings

This section allows occupancy of a basement prior to the completion of the full dwelling if it would otherwise comply with the code. It also refers to any provisions dealing with underground dwellings. However, the code is silent regarding special provisions for underground dwellings other than the need to design for soil loads. Therefore, the following relevant general code provisions apply to basements as underground or earth-sheltered dwellings:

- *s. 20.07(34K) Definition of first floor requires that there always be a first floor. Therefore, unless there is a substantially complete upstairs, the basement must be treated as the first floor.*
- *s. 21.03(1) Requires two exits from the first floor. Bedroom egress windows may qualify see (1) (f) 1., 2., or 3..*
- *s. 21.05(1) Requires natural light to all habitable rooms. The exception in s. 21.05(1)(a) for habitable rooms, other than bedrooms, in basements does not apply here. Skylights may be used to meet this requirement as may the exception in s. 21.05(1)(b) that allows borrowing of light between rooms.*

- s. 21.05(2) Requires natural or mechanical ventilation for most rooms. Again openable skylights would be acceptable.
- s. 22.06/22.12 Requires compliance with envelope insulation requirements. The ceiling must be insulated per these sections and protected with a vapor barrier.

This is not a complete listing of applicable code requirements - just those in the UDC needing highlighting. The Electrical and Plumbing Codes must be complied with, including proper outlet placement and fixture venting. Also, the final inspection, per s. 20.10(1)(b)3., requires all health and safety items to be completed.

The intent of this code application to basement dwellings is to ensure that the basement will safely perform as a dwelling until and if the rest of the dwelling is completed.

Occupancy Permit

Question: Under the UDC is an "occupancy permit" required?

Answer: The UDC does not describe or require an "occupancy permit" procedure. The "occupancy permit" is a procedure used by municipalities. Wisconsin Statutes recognizes this in s. 62.23(9) and such a procedure would be in the local Building Inspection Department's ordinances.

Notice of Compliance or Noncompliance

It is important to note that the enforcing authority must notify the applicant and owner in writing of any noncompliances in order to begin a legal enforcement action or to prevent occupancy. Oral orders or notes posted at the jobsite would have limited, if any, legal significance. The municipality enforcing this code may in fact wish to notify the applicant or owner by Registered Mail of violations.

Thirty days after notice, the inspector should refer uncorrected orders to the municipal legal counsel, who may initiate legal action as in s. Comm 20.22, Penalties & Violations, if corrections have not been made. Each day after the 30 days shall constitute a separate violation per s. 101.66 of the Wisconsin Statutes.

Form SBD-6025 "Inspection Report and Notice of Noncompliance" should be used to issue written notice unless the municipality has developed an alternate form. See the following example completed form for the necessary elements of a properly written "Inspection Report and Notice of Noncompliance." Note especially that a code section is always cited.

Municipalities may charge additional inspection fees as necessary to determine if noncompliances have been corrected.

This section also requires notice that no noncompliances were found so that contractors will

clearly know that they can proceed. This may be written on the permit card at the jobsite.

Municipal legal counsels have broad latitude in judging whether to pursue legal action against a noncomplying builder or owner. But this is the counsel's decision, not the inspector's, to make. The inspector should write the orders as he or she sees them.

(2) VOLUNTARY INSPECTION. The department or its authorized representative may, at the request of the owner or the lawful occupant, enter and inspect dwellings, subject to the provisions of this code, to ascertain compliance with this code.

Voluntary Inspection

Because the state inspection staff has limited available time, the Department of Commerce normally refers homeowners and builders to independent inspectors when they are seeking a voluntary inspection of their house. They may be seeking inspection services because of lender requirements or to satisfy their own quality assurance concerns.

The fee for the inspection is negotiated between the inspector and builder or owner. A typical plan review and inspection process may take approximately 10 hours. The Department of Commerce currently charges a minimum of \$60.00/hr. plus expenses, with a minimum of \$120 per inspection per ch. Comm 2.

An inspector in this situation does not have municipal or state enforcement authority. Rather, he/she is providing a report which the owner or lender can use to pursue compliance and/or private litigation if necessary. Also, per state statute 101.02(11), an owner may withhold payment to a contractor that fails to comply with the UDC.

AN INSPECTION OF THE ABOVE PREMISES HAS DISCLOSED THE FOLLOWING NONCOMPLIANCES:

IMPORTANT: Please report when violations are corrected. AVOID DELAY

Enforcement Jurisdiction:	<input type="checkbox"/> Town <input type="checkbox"/> Village	<input type="checkbox"/> County <input type="checkbox"/> State	<input type="checkbox"/> City OF	Authority By Municipal Ordinance Section::
Inspector's Name:	Violations Explained To:		Compliance Date:	
Inspector's Address:	Office Hours:		Telephone No:	

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Comm 20.11 Suspension or revocation of Wisconsin uniform building permit.

The department, or the municipality administering and enforcing this code, may suspend or revoke any Wisconsin uniform building permit where it appears that the permit or approval was obtained through fraud or deceit, where the applicant has willfully refused to correct a violation order or where the inspector is denied access to the premises. No construction shall take place on the dwelling after suspension or revocation of the permit.

(1) Any person aggrieved by a determination made by the municipality exercising jurisdiction may appeal the decision in accordance with s. Comm 20.21.

(2) Any person aggrieved by a determination made by the department may appeal the decision in accordance with s. Comm 20.21.

Suspension or Revocation of Wisconsin Uniform Building Permit

Question: *Can a local building inspector issue a "stop work" order under the UDC?*

Answer: *The UDC does describe a "stop work" order in Comm 20.10(1)(c). The enactment of 1991 Wisconsin Act 309 now gives stop work authority to the department, city, village, town or county for violations of erosion control requirements. This authority (State Statutes ss. 101.653 (7)(b)) is only for erosion and not extended to other UDC requirements.*

When the UDC is adopted by a municipality, it may use its ordinances for administrative procedures. Under state statute ss. 62.11(5) and 62.17, municipalities have broad powers to enforce ordinances. We are aware of many municipalities using "stop work" orders, also known as "red tagging" procedures.

Question: *Comm 20.10. Does a local building inspector have the authority to enter a house, without permission, where there is no building permit issued?*

Answer: *This might be better addressed by a municipality's legal staff. However the Wisconsin Statutes in ss. 66.122 and 66.123 describe a building inspector as a "peace officer" and explains the purpose for which he/she may make inspections and the procedure to be used if refused entry. When a State Deputy is denied entry to a building to perform his/her duties, we request the Department of Justice to obtain an injunction for us to continue with our duties. In recent years the department has also used the inspection warrant procedure described in ss. 66.122 and 66.123 to perform its duties.*

Subchapter V — Approval and Inspection of Manufactured Dwellings and Their Components**Comm 20.12 Scope.**

This part shall govern the design, manufacture, installation and inspection of manufactured dwellings, manufactured building systems and the components of the building systems displaying the Wisconsin insignia.

Overview

Most of this subchapter sets the procedures for manufacturers of dwellings to get their product approved by the state. These dwellings are typically of closed-panel construction that would be difficult to inspect at the installation site without removing finish materials. They may be of panelized or modular type construction. They are inspected in the plant by the Department of Commerce or a certified inspection agency. Strict compliance assurance procedures must be followed by the manufacturer and inspection agency.

Some of these procedures also apply to manufactured multi-unit residential buildings (Chapter 66) which are eligible for the insignia program through the Commercial Building Code. Comm 50.125 insignias for multifamily construction should be applied at the minimum rate of one per truckload of manufactured building material or a maximum of one per dwelling unit. Use of the insignia does not exempt the building from any required plan review or local requirements. The insignia may NOT be used for nonresidential buildings.

This should not be confused with manufactured homes (formerly called mobile homes) which are regulated by Federal Housing and Urban Development (HUD) rules. The state mobile home program, also in the Division of Safety and Buildings, is under contract with HUD to enforce the rules in Wisconsin.

For readers other than manufacturers, your attention is directed to ss. 20.13 and 20.15 which relate to on-site installation.

Scope

Again, the scope of these rules do not include manufactured (mobile) homes regulated by the federal government.

Comm 20.13 Manufacture, sale and installation of dwellings.

(1) MANUFACTURE AND SALE. No manufactured dwelling, manufactured building system or component of the building system subject to this part shall be manufactured for use, sold for initial use or installed in this state unless it is approved by the department and it bears the Wisconsin insignia issued or a state seal or an insignia reciprocally recognized by the department.

(2) INSTALLATION. A Wisconsin uniform building permit shall be obtained in accordance with the procedures outlined in s. Comm 20.09 (1), (2), (3) and (4) (a) 1. before any on-site construction falling within the scope of this code is commenced for a manufactured dwelling. The permit shall be issued in accordance with s. Comm 20.09 (5) (b) 1.

Manufacture and Sale

An approved Wisconsin manufactured dwelling must display a Wisconsin Insignia to indicate that the manufactured portion of the unit has been constructed and inspected in compliance with the Uniform Dwelling Code.

Typical locations are on the electrical service box, under the kitchen sink, in the bathroom vanity or in a closet. Following is a sample of an insignia.

Each unit is also required to bear a manufacturer's data plate (see s. 20.14(6)(e)). The data plate indicates the equipment furnished with the unit design loads and testing. This information should be reviewed and compared with site requirements. If required testing has not been performed in the plant, the system should be tested on site. The data plate also indicates the unit serial number. This number and the Wisconsin insignia number are necessary to track production records if a problem or question should arise.



Insignia Color is Red

In addition, the Department of Commerce is allowed to enter into reciprocity arrangements with other states (see s. 20.14(7)).

Installation

On-site work for manufactured dwellings such as foundations, basements, heating systems, electrical systems, plumbing systems, and additions are subject to the same plan submittal and inspection requirements as site-built dwellings. This includes permit procedures and permit seal issuance. See s. 20.09 (4) (a) of this commentary for a plan submittal checklist for on-site work for manufactured dwellings.

Installation and connection details should be checked for conformance to the manufacturer's instructions. The installer is required to furnish the inspector with installation instructions upon request.

Any damage to the manufactured portion of the dwelling as a result of transporting or on-site handling should also be investigated by the inspector. Any questions regarding the repair should be directed to the manufacturer and the inspection agency. Major repairs or modifications may require on-site inspection by the manufacturer's inspection agency to ensure compliance with the approved building system.

MANUFACTURED DWELLINGS BUILT UNDER WISCONSIN ADMINISTRATIVE CODE
UNIFORM DWELLING CODE (UDC) CHAPTERS 20 through 25

Typical Manufactured Dwellings:

1. *Will have a Wisconsin Insignia.*
2. *Will not have a HUD Seal. (Typically on "Manufactured Homes" formerly called Mobile Homes) Regulated by the Federal Government.*
3. *Can be modular or closed panel construction.*
4. *Generally have closed wall construction not available for local inspection.*

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|---|--|
| 1. E3 Solutions
aka Advanced Laminated Housing Structures
52400 State Rd 15 North
P.O. Box 70
Bristol IN 46507
(219) 848-9504 | 2. All American Homes
551 15th Ave., S.E.
P.O. Box 219
Dyersville, IA 52040-0219
(319) 587-2421 |
| 3. Commodore Homes
1423 Lincolnway East
P.O. Box 729
Goshen IN 46528
(574) 534-6307 | 4. Contempri Industries
1000 W. Water Street
P. O. Box 69
Pinckneyville, IL 62274
(574) 534-6307 |
| 5. Crest Homes
221 U.S. 20, West
P.O. Box 1218
Middlebury, IN 46540
(219) 825-5881 | 6. CSI Homes
P.O. Box 138
Cambridge, IL 61238
(309) 937-5544 |
| 7. Design Homes
600 N. Marquette Rd.
P.O. Box 239
Prairie du Chien, WI 53821
(608) 326-6041 | 8. Dickinson Homes
1500 W. Breitung Ave.
P.O. Box 2245
Kingsford, MI 49802-2245
(906) 774-5800 |

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|---|---|
| <p>9. Fuqua Homes, Inc
2405 Industrial Drive
Boonville MO 65233
(660) 882-3411</p> | <p>10. Hi-Tech Housing Inc.
19319 C.R. 8
Bristol IN 46507
(574) 848-5593</p> |
| <p>11. Indiana Building Systems
51700 Lovejoy Drive
Middlebury IN 46540
(574) 825-4206</p> | <p>12. Liberty Homes dba Dorchester
Homes & Badger Built Homes
337 Liberty Drive
P.O. Box 110
Dorchester, WI 54425
(715) 654-5021</p> |
| <p>13. Manufactured Housing Enterprises
09302 State Road 6
Bryan OH 43506
(419) 636-4511</p> | <p>14. New Era Building Systems
451 Southern Ave.
Stratton, PA 16258
(814) 764-5581</p> |
| <p>15. Norse Building Systems
1100 Barnett Rd.
Ladysmith, WI 54425
(715) 532-0600</p> | <p>17. North American Homes
600 Marquette Road
P.O. Box 239
Prairie du Chien, WI 53821
(608) 326-6338</p> |
| <p>18. Pariot Homes
dba Energymate Homes
57420 C.R. 3 South
Elkhart IN 46517
(219) 293-6507</p> | <p>19. Pittsville Homes
Box C, Highway 80, South
Pittsville, WI 54446
(715) 884-2511</p> |
| <p>20. Redman Homes
308 Sheridan Drive
Topeka, IN 46571
(219) 593-2962</p> | <p>21. Ritz-Craft Corporation of MI
118 Deal Parkway, P.O. Box 5
Jonesville, MI 49250
(570) 966-5136</p> |
| <p>22. Rochester Homes
1345 Lucas Street
P.O. Box 587
Rochester, IN 46975
(219) 223-4321</p> | <p>23. Skyline Homes
Hwy 61 N.E.
P.O. Box 590
Lancaster WI 53813-0590
(608) 723-4171</p> |
| <p>24. Showcase Homes
P.O. Box 489
Nappanee, IN 46550
(219) 773-4616</p> | <p>25. Shamrock Homes
1201 W. Markley Rd
Plymouth IN 46563
(219) 935-5111</p> |
| <p>26. Star Line LLC
2081 South 56th Street
West Allis WI 53219
(414) 545-4238</p> | <p>27. Stratford Homes
P.O. Box 37
Stratford, WI 54484
(715) 687-3133</p> |

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|---|--|
| 28. Stratton Homes
1000 First Street
Chariton IA 50049
(715) 687-3133 | 29. Stratton Homes
One Mauro Ave.
P.O. Box 665
Knox, PA 16232
(914) 797-1115 |
| 30. Terrace Homes
1553 11 th Drive
Friendship, WI 53934
(608) 339-7888 | 31. Wausau Homes
P.O. Box 8005
Wausau, WI 54401-8005
(715) 359-7272 |
| 32. Wick Homes-Mazomanie
400 Walter Rd.
P.O. Box 188
Mazomanie, WI 53560
(608) 795-2261 | 33. Wick Homes-Marshfield
230 E. Fourth St.
P.O. Box 530
Marshfield, WI 54449
(715) 387-2551 |
| 34. Wisconsin Homes
425 W. McMillan St.
Marshfield, WI 54449
(715) 384-2161 | |

Approval Agencies

PFS Corporation 2402 Daniels St. Madison WI 53704	(608) 221-3361
NTA, Inc P.O. Box 490 Nappanee IN 46550-0490	(219) 773-7975
T.R. Arnold & Associates 700 E. Beardsley Ave. Elkhart IN 46515	(574) 264-0745
Underwriters Laboratories Northbrook Division 333 Pfingsten Road Northbrook IL 60062-2096	(847) 664-2264

This list subject to change as approved manufacturers are added or deleted.

Comm 20.14 Approval procedures.

(1) Application for approval. An application for the approval of any manufactured dwelling, building system or component shall be submitted to the department, in the form required by the department, along with the appropriate fees in accordance with s. Comm 2.34. The department shall review and make a determination on an application for approval of a manufactured dwelling within 3 months of receipt of all forms, fees, plans and documents required to complete the review.

(2) APPROVAL OF BUILDING SYSTEMS AND COMPONENTS. (a) Approval of building systems. 1. Plans and specifications. All plans and specifications shall be submitted to the department according to subpar. a. or b.:

a. Three complete sets of building, structural, mechanical and electrical plans, (including elevations, sections and details), specifications and calculations shall be submitted to the department on behalf of the manufacturer for examination and approval.

b. At least one complete set of building, structural, mechanical and electrical plans, (including elevations, sections and details), specifications and calculations shall be submitted to the department on behalf of a manufacturer by an independent inspection/evaluation agency certified under s. Comm 26.14. All plans and specifications submitted to the department shall be stamped "conditionally approved" by the independent inspection/evaluation agency.

2. Compliance assurance program. Three sets of the compliance assurance program shall be submitted for examination and approval. The compliance assurance program submitted to the department on behalf of the manufacturer shall meet the standards of the Model Documents for the Evaluation, Approval, and Inspection of Manufactured Buildings as adopted under s. Comm 20.24 (8) or equivalent as determined by the department.

(b) Approval of building components. 1. Plans and specifications. All plans and specifications shall be submitted to the department according to subpar. a. or b.:

a. At least 3 complete sets of plans and specifications for manufactured dwelling building components shall be submitted to the department on behalf of the manufacturer for examination and approval.

b. At least one complete set of plans and specifications for manufactured dwelling building components shall be submitted to the department on behalf of the manufacturer by an independent inspection/evaluation agency certified as required in s. Comm 26.14. All plans and specifications submitted to the department shall be stamped "conditionally approved" by the independent inspection/evaluation agency.

2. Compliance assurance program. Three sets of the compliance assurance program shall be submitted to the department on behalf of the manufacturer for examination and approval of components. The compliance assurance program shall meet the requirements established by the department or, where applicable, be in the form of the NBS "Model Rules and Regulations" [Comm 20.24 (3)].

(3) NOTIFICATION OF APPROVAL OR DENIAL OF PLANS, SPECIFICATIONS AND COMPLIANCE ASSURANCE PROGRAM. (a) Conditional approval. If the department determines that the plans, specifications, compliance assurance program and application for approval submitted for such building system or component substantially conform to the provisions of this code, a conditional approval shall be issued. A conditional approval issued by

the department shall not constitute an assumption of any liability for the design or construction of the manufactured building.

1. Written notice. The conditional approval shall be in writing and sent to the manufacturer and the person submitting the application for approval. Any noncompliance specified in the conditional approval shall be corrected before the manufacture, sale or installation of the dwelling, building system or component.

2. Stamping of plans, specifications and compliance assurance program. Approved plans, specifications and compliance assurance programs shall be stamped "conditionally approved." At least 2 copies shall be returned to the person designated on the application for approval; one copy shall be retained by the department.

(b) Denial. If the department determines that the plans, specifications, compliance assurance program or the application for approval do not substantially conform to the provisions of this code, the application for approval shall be denied.

1. Written notice. The denial shall be in writing and sent to the manufacturer and the person submitting the application for approval. The notice shall state the reasons for denial.

2. Stamping of plans, specifications and compliance assurance program. Plans, specifications and compliance assurance programs shall be stamped "not approved." At least 2 copies shall be returned to the person submitting the application for approval; one copy shall be retained by the department.

(4) EVIDENCE OF APPROVAL. The manufacturer shall keep at each manufacturing plant where such building system or component is manufactured, one set of plans, specifications and compliance assurance program bearing the stamp of conditional approval. The conditionally approved plans, specifications and compliance assurance program shall be available for inspection by an authorized representative of the department during normal working hours.

(5) INSPECTIONS. Manufacturers shall contract with the department or an independent inspection agency to conduct in-plant inspections to assure that the building system and components manufactured are in compliance with the plans, specifications and the compliance assurance program approved by the department. All inspections, for the purpose of administering and enforcing this code, shall be performed by a certified inspector or certified independent inspection agency.

(6) WISCONSIN INSIGNIA. Upon departmental approval of the plans, specifications and compliance assurance program, and satisfactory in-plant inspections of the building system and components, Wisconsin insignias shall be purchased from the department in accordance with the fee established in s. Comm 2.34. A manufacturer shall be entitled to display the Wisconsin insignia on any approved system or component.

(a) Lost or damaged insignia. 1. Notification. If Wisconsin insignias become lost or damaged, the department shall be notified immediately, in writing, by the manufacturer or dealer.

2. Return of damaged insignias. If Wisconsin insignias become damaged, the insignia shall be returned to the department with the appropriate fee to obtain a new insignia.

(b) Affixing Wisconsin insignias. Each Wisconsin insignia shall be assigned and affixed to a specific manufactured dwelling or component in the manner approved by the department before the dwelling is shipped from the manufacturing plant.

(c) Insignia records. 1. Manufacturer's insignia records. The manufacturer shall keep permanent records regarding the handling of all Wisconsin insignias, including construction compliance certificates, indicating the number of Wisconsin insignias which have been affixed to manufactured dwellings or manufactured building components (or groups of components); which Wisconsin insignias have been applied to which manufactured dwelling or manufactured building component; the disposition of any damaged or rejected Wisconsin insignias; and the location and custody of all unused Wisconsin insignias. The records shall be maintained by the manufacturer or by the independent inspection agency for at least 10 years. A copy of the records shall be sent to the department upon request.

2. Construction compliance certificate. Within 30 days after receiving the original Wisconsin insignias from the department, and at the end of each month thereafter, the manufacturer shall submit a construction compliance certificate, in the form determined by the department, for each manufactured dwelling intended for sale, use or installation in the state.

(d) Unit identification. Each manufactured dwelling and major transportable section or component shall be assigned a serial number. The serial number shall be located on the manufacturer's data plate.

(e) Manufacturer's data plate. The manufacturer's data plate for building systems shall contain the following information, where applicable:

1. Manufacturer's name and address;
2. Date of manufacture;
3. Serial number of unit;
4. Model designation;
5. Identification of type of gas required for appliances and directions for water and drain connections;
6. Identification of date of the codes or standards complied with;

7. State insignia number;
8. Design loads;
9. Special conditions or limitations of unit;
10. Electrical ratings; instructions and warnings on voltage, phase, size and connections of units and grounding requirements.

Approval Procedures

The Department of Commerce's UDC Program has an informational and submittal packet available for dwelling manufacturers interested in our manufactured dwelling program. Information is available at the following web-site <http://commerce.wi.gov/SB/SB-ManufacturedMobileHomesProgram.html>

(7) RECIPROCITY. Upon request, the department will make available to any person a list of those states whose dwelling codes are considered equal to the codes established by the department and whose products are accepted reciprocally by Wisconsin.

Reciprocity

Other states may have manufactured dwelling approval and inspection programs equivalent to Wisconsin's. If a reciprocity agreement is in effect the states will accept dwellings approved, inspected and provided with an insignia of the state of manufacture. The dwelling must be inspected to conform to the code of the state where it will be located. Wisconsin currently has a reciprocity agreement with Minnesota and thus recognizes dwellings bearing the "IBC" or 'Industrialized Building Commission' labels.

Comm 20.15 Effect of approval.

(1) RIGHT TO BEAR INSIGNIA. A manufactured dwelling or building component approved by the department, manufactured and inspected in accordance with this code, shall be entitled to bear the Wisconsin insignia.

(2) EFFECT OF INSIGNIA. Manufactured dwellings and manufactured building components bearing the Wisconsin insignia are deemed to comply with this code, except as to installation site requirements, regardless of the provisions of any other ordinance, rule, regulation or requirement.

Effect of Insignia

A dwelling bearing a Wisconsin Insignia is presumed to be code complying. A local building inspector may not require the opening up of closed walls or other components coming from the

plant. However, if noncompliances are otherwise noted, they should be cited by the inspector. The Department of Commerce should be notified for further investigation at the manufacturing plant.

(3) Right to install. Manufactured dwellings and components bearing the Wisconsin insignia may be manufactured, offered for sale and shall be entitled to be installed anywhere in Wisconsin where the installation site complies with the other provisions of this code.

Right to Install

A dwelling bearing a Wisconsin Insignia must be accepted by a municipality as would a site-built home. It would be subject to any zoning requirements.

Comm 20.16 Suspension and revocation of approval.

The department shall suspend or revoke its approval of a manufactured building system or manufactured building component if it determines that the standards for construction or the manufacture and installation of a manufactured building system or manufactured building component do not meet this code or that such standards are not being enforced as required by this code. The procedure for suspension and revocation of approval shall be as follows:

(1) FILING OF COMPLAINT. Proceedings to suspend or revoke an approval shall be initiated by the department or an independent inspection agency having a contract with the manufacturer whose approval is sought to be suspended or revoked. Initiation shall be by a signed, written complaint filed with the department. Any alleged violation of the code shall be set forth in the complaint with particular reference to time, place and circumstance.

(2) INVESTIGATION AND NOTIFICATION. The department may investigate alleged violations on its own initiative or upon the filing of a complaint. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected.

(3) MAILING. Unless otherwise provided by law, all orders, notices and other papers may be served by the department by certified mail to the persons affected at their last known address. If the service is refused, service may be made by sheriff without amendment of the original order, notice or other paper.

(4) RESPONSE. Upon receipt of notification of hearing from the department, the person charged with noncompliance or nonenforcement may submit to the department a written response within 30 days of the date of service. If the person charged files a timely written response, such person shall thereafter be referred to as the respondent.

(5) CONCILIATION AGREEMENT PRIOR TO HEARING. If the department and the respondent are able to reach agreement on disposition of a complaint prior to hearing, such agreement shall:

- (a) Be transmitted in writing to the secretary;
- (b) Not be binding upon any party until signed by all parties and accepted by the secretary;
- (c) Not be considered a waiver of any defense nor an admission of any fact until accepted by the secretary.

(6) HEARINGS. (a) Subpoenas; witness fees. Subpoenas shall be signed and issued by the department or the clerk of any court of record. Witness fees and mileage of witnesses subpoenaed on behalf of the department shall be paid at the rate prescribed for witnesses in circuit court.

(b) Conduct of hearings. All hearings shall be conducted by persons selected by the department. Persons so designated may administer oaths or affirmations and may grant continuances and adjournments for cause shown. The respondent shall appear in person and may be represented by an attorney-at-law. Witnesses may be examined by persons designated by all parties.

(7) FINDINGS. The department shall make findings and enter its order within 14 days of the hearing. Any findings as a result of petition or hearing shall be in writing and shall be binding unless appealed to the secretary.

(8) APPEAL ARGUMENTS. Appeal arguments shall be submitted to the department in writing in accordance with ch. 227, Stats., unless otherwise ordered. The department shall review and make a determination on an appeal of notification of suspension or revocation of approval within 45 business days of receipt of the appeal.

Comm 20.17 Effect of suspension and revocation.

(1) BEARING OF INSIGNIA. Upon suspension or revocation by the department of the approval of any manufactured dwelling or manufactured building component, no further insignia shall be attached to any dwelling or building component manufactured with respect to which the approval was suspended or revoked. Upon termination of such suspension or revocation, insignias may again be attached to the dwelling or building component manufactured after the date approval is reinstated. Should any dwelling or building component have been manufactured during the period of suspension or revocation, it shall not be entitled to bear the Wisconsin insignia unless the department has inspected, or caused to be inspected, such manufactured dwelling or manufactured building component and is satisfied that all requirements for certification have been met.

(2) RETURN OF INSIGNIAS. The manufacturer shall return to the department all insignias allocated for a manufactured dwelling or manufactured building component no later than 30 days from the effective date of any suspension or revocation of the approval by the department. The manufacturer shall also return to the department all insignias which it determines for any reason are no longer needed.

Subchapter VI — Approval of Materials

Comm 20.18 Building Product Approvals.

(1) VOLUNTARY APPROVAL. (a) Materials, equipment and products regulated by this code may receive a written approval from the department indicating code compliance.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product is in compliance with the standards specified in this code.

2. Tests, compilation of data, and calculations for materials, equipment and products shall be conducted by a qualified independent third party.

(2) ALTERNATE APPROVAL. (a) Materials, equipment and products which meet the intent of this code and which are not approved under sub. (1) shall be permitted if approved in writing by the department.

(b) 1. Approval of materials, equipment and products shall be based on sufficient data, tests and other evidence that prove the material, equipment or product meets the intent of the standards specified in this code.

2. Tests, compilation of data, and calculations for materials, equipment and products shall be conducted by a qualified independent third party.

(3) EXPERIMENTAL APPROVAL. (a) The department may allow use of an experimental material, equipment or product for the purpose of proving compliance with the intent of this code.

(b) The department may require the submission of any information deemed necessary for review.

(c) The department may limit the number of applications it will accept for approval of experimental materials, equipment or products.

(d) Installations of a material, equipment or product under an experimental approval shall comply with all of the following:

1. Plans detailing the installation for each project where the experimental material, equipment or product is to be used shall be submitted to the department.

2. A copy of the experimental approval shall be attached to the submitted plans and approved plans.

3. a. A letter of consent from the owner of the installation shall be attached to the submitted plans and approved plans.

b. The letter under subpar. a. shall acknowledge that the owner has received and read a copy of the experimental approval and is in compliance with all conditions of the approval.

4. A person responsible for construction of the project shall be designated in writing by the owner.

5. The person designated as responsible for the construction of the project shall, upon completion of construction, certify in writing to the department that the installation is in compliance with the experimental approval, approved plans, specifications and data.

(e) 1. Any onsite inspections shall be performed by the department, or other person authorized by the department, at time intervals as specified by the department, but not less than once a year. The inspector shall write an inspection report.

2. The department may assess a fee for each inspection conducted under subd. 1.

(f) Five years and 6 months after the date of the completed installation, the department shall order the removal of the experimental material, equipment or product, or issue an approval for the material, equipment or product.

(g) Paragraphs (e) and (f) do not apply to an experimental system if this code is revised to include or enable the experimental system to conform to the intent of this code.

(4) REVIEW, APPROVAL AND REVOCATION PROCESSES. (a) 1. Upon receipt of a fee and a written request, the department may issue an approval for a material, equipment or product.

2. The department shall review and make a determination on an application for approval after receipt of all forms, fees, plans and information required to complete the review.

3. For voluntary and alternate approvals, a determination shall be made within 40 business days of receipt of all required materials.

4. For an experimental approval, a determination shall be made within 6 months of receipt of all required materials.

(b) 1. The department may include specific conditions in issuing an approval, including an expiration date for the approval.

2. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

(c) If the department determines that the material, equipment or product does not comply with this code or the intent of this code, or that an experimental approval will not be issued, the request for approval shall be denied in writing.

(d) If an approved material, equipment or product is modified, the approval shall be considered null and void, unless the material, equipment or product is resubmitted to the department for review and approval is granted.

(e) 1. The department may revoke or deny an approval of a material, equipment or product for any false statements or misrepresentations of relevant facts or data, unacceptability of a third party providing information, or as a result of material, equipment or product failure.

2. The department may re-examine an approved material, equipment or product and issue a revised approval at any time.

(f) The department may revoke an approval if the department determines that the material, equipment or product does not comply with this code or the intent of this code due to a change in the code or department interpretation of the code.

(g) An approval issued by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of the approved material, equipment or product nor for any damages that may result.

(h) Fees for the review of a material, equipment or product under this section and any onsite inspections shall be submitted in accordance with ch. Comm 2.

(5) UNGRADED OR USED MATERIALS. (a) Ungraded or used building materials may be used or reused as long as the material possesses the essential properties necessary to achieve the level of performance required by the code for the intended use.

(b) The department or the municipality enforcing this code may require tests in accordance with subs. (1) or (2).

Materials

Basic material performance standards are set forth in the various chapters of the code. All alternate or new materials and new construction methods not covered by these standards may be submitted and reviewed by the Department of Commerce for use in one- and two-family dwellings. This may speed along the approval process for individual homes so that local inspectors do not need to review the acceptability of these alternate materials and methods. Local inspectors may also review alternate materials, for specific projects, to determine if they meet the adopted engineering standards of the UDC.

Manufacturers or distributors request 'Building Products Evaluations' from the department. A minimum fee of \$1000.00 per material or method evaluation number has been established by

the department, and shall accompany the application. The department will review all data, tests and claims of equivalent performance of the alternate material or method with respect to the health, welfare and safety performance standards of the code. Manufacturers or distributors may request a submittal information packet from our division.

In order to avoid duplicate submissions, materials evaluated under s. Comm 50.19 of the Wisconsin Building, Heating, Ventilating and Air Conditioning Code (Commercial Building Code) are normally acceptable under the UDC. This assumes that both codes regulate the material and construction requirement in a like manner. The materials approval letter should indicate other limitations which may apply.

Many materials approved under the Commercial Building Code are deemed acceptable under the UDC. A listing of these is in the appendix of the Commercial Building Code Commentary or available from the department. Manufacturers or distributors of reviewed materials should provide Department of Commerce material evaluation numbers when requested. If there are any questions as to the acceptability of a material for use in one- and two-family dwellings by a building inspector or manufacturer, please call the Department of Commerce.

Overview

This subchapter describes some of the UDC administrative law. It is worthwhile to briefly highlight the differences in the purposes of these administrative procedures as well as other associated UDC procedures:

Engineered Design/Structural Analysis

This is a design that falls outside of the prescriptive or cookbook design tables and specifications of the UDC. A local inspector can accept them as long as the basic code requirements, such as design load requirements, are met. Typical acceptable engineering standards are listed in ss. 20.24 and 21.02. Local inspectors may request state review as in s. 20.09(5)(a) of this commentary.

Material Approval

Manufacturers and distributors of alternative materials or methods often use this procedure. It can save time for all parties by substituting for the Engineered Design/Structural Design procedure where the material or design will be used repetitively in a number of dwellings.

Individual Variance

If an applicant cannot conform to a specific code section and desires to provide equivalence to the code by other means, then a petition for variance must be submitted to the state.

Municipal Variance

A municipality submits a variance request to the Department of Commerce when it believes that its climatic or soil conditions require a different application of the UDC for homes in its jurisdiction. Such a variance would apply to all homes in that municipality.

Appeals-Overview

- *To Local Authorities* - An appeal at the local level can only be on the basis of improper enforcement of the code as written. It cannot be to request a variance to a code requirement.
- *To State Authorities* - An appeal to the state can be for one of the following reasons:
 - An appeal of local enforcement;
 - An appeal of the state's determination on an individual variance;
 - An appeal of the state's determination on a municipal variance.

Subchapter VII — Variances, Appeals, Violations and Penalties

Comm 20.19 Petition for variance.

The department may grant a variance to a rule only if the variance does not result in lowering the level of health, safety and welfare established or intended by the rule. The department may consider other criteria in determining whether a variance should be granted including the effect of the variance on uniformity.

(1) APPLICATION FOR VARIANCE. The applicant shall submit the petition for variance application to the municipality exercising jurisdiction in order to receive the municipal recommendation. Where no municipality exercises jurisdiction, the application shall be submitted to the department. The following items shall be submitted when requesting a variance:

(a) A clear written statement of the specific provisions of this code from which a variance is requested and the method of establishing equivalency to those provisions.

(b) A fee in accordance with s. Comm 2.52. The municipality may require a fee for the processing of the application in addition to the department's fee.

Note: A copy of the Petition for Variance Application form (SBD-8) is contained in the Appendix.

(2) MUNICIPAL RECOMMENDATION. The municipality administering and enforcing this code shall submit all applications for variance to the department, together with a municipal recommendation within 10 business days after receipt of the application. The recommendation of the municipality shall include the following items:

(a) Inspections performed on the property.

(b) The issuance of correction orders on the property.

- (c) An assessment of the overall impact of the variance on the municipality.

Note: A copy of the Municipal Recommendation form (SBD-6071) is contained in the Appendix.

(3) DEPARTMENTAL ACTION. Where a municipality administers and enforces the code, the department shall decide petitions for variance and shall mail notification to the municipality and the applicant within 5 business days after receipt of the application and municipal recommendation. Where the department enforces the code, the department shall decide petitions for variance within 15 business days after receipt of the application and fees.

(4) APPEALS. A person or municipality may appeal the determination of the department in the manner set out in s. 101.02 (6) (e) to (i) and (8), Stats.

Individual Variance From a Specific Rule

It should be noted that only administrative code items may be petitioned for a variance. This means that if an item is required by the state statutes (which may be repeated in the administrative code), it may not be granted a variance. An example of this is smoke detectors.

An approvable variance application must demonstrate that the proposed design provides alternative measures that provide an equivalent degree of health, safety or welfare. Economic hardship, "it's not my fault," or "due to an error in construction" arguments themselves do not justify a variance.

Variances are processed by the state only for dwellings originally built since June 1, 1980. Variances for older dwellings, even though possibly subject to the UDC by local ordinances, are processed by the municipality.

Question: *How does one go about applying for a variance to the Uniform Dwelling Code?*

Answer: *All variance requests shall be submitted to the Department of Commerce via the enforcing municipality, if applicable. A complete submittal includes an Application Form (SBD-9890 (R. 11/2003)), including the Municipal Recommendation and the required fees per Comm 2.52(2) (currently \$125.00). A copy of relevant building plans, sketches, photographs, or other documents clarifying the statements on the application forms will be necessary in almost all cases. The municipality may also charge a variance processing fee.*

Comm 20.20 Municipal variance from the code.

Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance not in conformance with this code. The department shall review and make a determination on a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the request.

(1) **APPLICATION FOR VARIANCE.** The department may grant an application only under the following circumstances:

(a) The municipality has demonstrated that the variance is necessary to protect the health, safety or welfare of individuals within the municipality because of specific climate or soil conditions generally existing within the municipality.

(b) The municipality has demonstrated that the granting of the variance, when viewed both individually and in conjunction with other variances requested by the municipality, does not impair the statewide uniformity of this code.

(2) **DEPARTMENTAL INQUIRY.** Prior to making a determination, the department shall solicit within the municipality and consider the statements of any interested persons as to whether or not said application should be granted.

(3) **APPEALS.** Any municipality aggrieved by the denial of an application may appeal the determination in accordance with the procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of denial of a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the appeal.

(4) **UNIFORMITY.** This section shall be strictly construed in accordance with the goal of promoting statewide uniformity.

Comm 20.21 Appeals of orders, determinations, and for extension of time.

(1) **APPEALS OF ORDERS AND DETERMINATIONS BY A MUNICIPALITY EXERCISING JURISDICTION.** Appeals of an order or determination of a municipality exercising jurisdiction under this code, including denials of application for permits, shall be made in accordance with the procedure set out in ch. 68, Stats., except as follows:

(a) Appeals of final determinations by a municipality exercising jurisdiction. Appeals of final determination by municipalities shall be made to the department after the procedures prescribed in ch. 68, Stats., have been exhausted. All appeals to the department shall be in writing stating the reason for the appeal. All appeals shall be filed with the department within 10 business days of the date the final determination is rendered under ch. 68, Stats. The department shall render a written decision on all appeals within 60 business days of receipt of all calculations and documents necessary to complete the review.

Note: Chapter 68, Stats., provides that municipalities may adopt alternate administrative appeal procedures that provide the same due process rights as ch. 68, Stats. Municipalities having adopted such alternate procedures may follow those alternate procedures.

(2) **APPEALS OF ORDERS AND DETERMINATIONS BY THE DEPARTMENT.** Appeals of an order of the department made pursuant to the provisions of this code, including denials of application for permits, shall be in accordance with the procedure set out in s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal

of an order or determination within 60 business days of receipt of all calculations and documents necessary to complete the review.

Appeals of Orders and Determinations

Individuals (owners and/or builders) have the right to appeal any municipal or Department of Commerce order or determination. The procedures in appealing such orders or determinations are set forth in s. Comm 20.21. It should be noted that the administrative appeals process may not be used once an order has been referred to the responsible legal authorities (city attorney, district attorney, Attorney General).

Many times a building inspector's cited violations will be appealed to the local municipality following these procedures. Appeals of whether a particular code section applies to a particular situation may be decided locally.

The Department of Commerce welcomes enforcing municipalities to contact us to clarify code requirements at this point or even before writing orders. Generally it is not desirable to refer builders or designers to us directly regarding a specific project until the inspector first discusses it with department staff.

However, appeals that require granting of a variance to a specific UDC requirement cannot be approved by any municipality. All requests for a variance from the code must ultimately be submitted to the Department of Commerce for approval, conditional approval or denial (Comm 20.19). The Uniform Dwelling Code, in order to maintain statewide uniformity, did not extend to the building inspectors and/or municipalities the authority to deviate by local variance from specific code requirements on specific projects.

Since a municipality has the responsibility of making recommendations to the Department of Commerce on a variance, it is certainly appropriate that the variance be first directed to the local Inspection Department or Board of Appeals for comment.

(3) EXTENSIONS OF TIME. (a) The time for correction of cited orders as set out in s. Comm 20.10 shall automatically be extended in the event that an appeal of said orders is filed. The extension of time shall extend to the termination of the appeal procedure and for such additional time as the department or municipality administering and enforcing this code may allow.

Extensions of Time

Normally cited violations shall be corrected within 30 days after written notification in accordance with s. Comm 20.10(1)(c). However, municipalities may grant extensions of time for varying reasons.

(b) The department or municipality administering and enforcing this code may grant additional reasonable time in which to comply with a violation order.

(4) APPEALS OF SOIL EROSION CONTROL ORDERS BY A MUNICIPALITY FOR CESSATION OF WORK. (a) Appeals of orders for cessation of work issued under s. Comm 20.10 (1) (c) may be made to the authority issuing the cessation of work order. The authority shall make a determination on such appeal within 3 business days. Determination of appeals by a municipality may be conducted in consultation with the department.

(b) Appeals of a final determination by a municipality on cessation of work orders may be made to the department. The department shall issue a final determination on the appeal within 3 business days after receipt of such appeal.

(c) If the issuing authority determines the site to be compliant with s. Comm 21.125, orders shall be rescinded and work may commence.

Comm 20.22 Penalties and violations.

(1) VIOLATIONS. No person shall construct or alter any dwelling in violation of any of the provisions of this code.

(a) Injunction. When violations occur, the department may bring legal action to enjoin any violations.

(b) Ordinances. This code shall not affect the enforcement of any ordinance or regulation, the violation of which occurred prior to the effective date of this code.

(2) PENALTIES. Pursuant to ss. 101.66 and 101.77, Stats., whoever violates this code shall forfeit to the state not less than \$25 nor more than \$500 for each violation. Each day that the violation continues, after notice, shall constitute a separate offense.

Penalties

It is not the intent of the department to set or receive penalties or forfeitures for violations of the code where municipalities are effectively administering and enforcing the Uniform Dwelling Code by establishing their own remedies and penalties. A municipality exercising jurisdiction should adopt ordinances for remedies and penalties for violations of this code.

(3) MUNICIPAL ENFORCEMENT. Any municipality which administers and enforces this code may provide, by ordinance, remedies and penalties for violation of that jurisdiction exercised under s. 101.65, Stats. These remedies and penalties shall be in addition to those which the state may impose under subs. (1) and (2).

Subchapter IX — Adoption of Standards

Comm 20.24 Adoption of standards.

(1) CONSENT. Pursuant to s. 227.21 (2), Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in Tables 20.24-1 to 20.24-12.

(2) ADOPTION OF STANDARDS. The standards referenced in Tables 20.24-1 to 20.24-12 are incorporated by reference into this chapter.

Note: Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies of the standards may be purchased through the respective organizations listed in Tables 20.24-1 to 20.24-12.

(3) ALTERNATE STANDARDS. (a) Alternate standards that are equivalent to or more stringent than the standards incorporated by reference in this chapter may be used in lieu of incorporated standards when approved by the department or if written approval is issued by the department in accordance with par. (b).

(b) 1. a. Upon receipt of a fee and a written request, the department may issue an approval for the use of the alternate standard.

b. The department shall review and make a determination on an application for approval within 40 business days of receipt of all forms, fees, and documents required to complete the review.

2. Determination of approval shall be based on an analysis of the alternate standard and the incorporated standard, prepared by a qualified independent third party or the organization that published the incorporated standard.

3. The department may include specific conditions in issuing an approval, including an expiration date for the approval. Violations of the conditions under which an approval is issued shall constitute a violation of this code.

4. If the department determines that the alternate standard is not equivalent to or more stringent than the standards incorporated by reference, the request for approval shall be denied in writing.

5. The department may revoke an approval for any false statements or misrepresentations of facts on which the approval was based. The department may re-examine an approved alternate standard and issue a revised approval at any time.

6. Fees for review of standards under this paragraph shall be submitted in accordance with ch. Comm 2.

Adoption of Standards

All dwellings are required to be designed by the method of structural analysis or the method of accepted practice outlined in each chapter of the code. Dwellings designed by the method of structural analysis shall comply with the standards and manuals listed in this section. Other acceptable engineering standards are listed in s. Comm 21.02.

Table 20.24-1

ACI	American Concrete Institute P.O. Box 9094 Farmington Hills, MI 48333
Standard Reference Number	Title
1. 318-99	Building Code Requirements for Structural Concrete
2. 530-99	Building Code Requirements for Masonry Structures
3. 530.1-99	Specification for Masonry Structures

Table 20.24-2

AF&PA	American Forest & Paper Association 1111 19 th Street, N.W., Suite 800 Washington, D.C. 20036
Standard Reference Number	Title
1. NDS-2004	National Design Specification For Wood Construction Including 2004 Supplement
2. Technical Report # 7 January, 1987	The Permanent Wood Foundation System, Basic Requirements, except for section 3.3.1

Table 20.24-3

AISC	American Institute of Steel Construction One E. Wacker Drive, Suite 3100 Chicago, IL 60601
Standard Reference Number	Title
1. ASD	Specification For Structural Steel Buildings, Allowable Stress Design And Plastic Design, with Commentary, June 1, 1989

Table 20.24-4

	American Log Builders' Association PO Box 28608 Bellingham, WA 98228
Standard Reference Number	Title
1996	Log Building Standards for Residential, Handcrafted, Interlocking, Scribe-fit Construction

Table 20.24-5

ASTM	American Society for Testing and Materials 1916 Race Street Philadelphia, PA 19103
Standard Reference Number	Title
1. C 62-01	Standard Specification For Building Brick (Solid Masonry Units Made From Clay Or Shale)
2. C 90-02	Standard Specification For Hollow Load-Bearing Concrete